

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2586 OF 2006

Sh.Kaluram K. Khanna Petitioner
V/s.
Indian Overseas Bank & Anr. Respondents

Mr.K.K. Khanna for the Petitioner.

Mr.K.J. Presswala i/b Vyas & Bhalwal for Respondent
No.1.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 23RD APRIL, 2007.

P.C. :

1. The suit filed by Respondent No.1 was transferred to D.R.T. and that has been disposed of. The Petitioner herein filed the counter-claim, which is still pending. According to the Petitioner, the counter-claim was forwarded to the D.R.T. but the office of D.R.T. returned the counter-claim back to this High Court. We are surprised as to how this could happen, if the counter-claim has been transferred, without a decision by the D.R.T., whether it has jurisdiction or not.

2. If the counter-claim is pending before this Court being No.4723 of 1996 in Suit No.3625 of 1986,

it stands transferred to the D.R.T. The D.R.T. will then decide the counter-claim according to law and after considering the objections of the Defendant, if any, to dispose of the same according to law.

3. For any other relief, including in the matter of execution, the Petitioner to take appropriate proceedings before the Recovery Officer.

4. With the above observations, the Writ Petition is accordingly disposed of.

(R.M. SAVANT, J.)

(F.I. REBELLO, J.)